proposals under VAMBAY are not forthcoming from some of the States, the balance funds can be reallocated to other States which have submitted their proposals.

Eviction of tenants from public premises

1609. SHRIMATI GURCHARAN KAUR:
SHRI LAJPAT RAI:

Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVIATION be pleased to state:

(a) the details of guidelines formulated to prevent arbitrary use of power to evict tenants from public premises;

(b) whether Public Sector Undertakings are also supposed to follow these guidelines;

(c) if not, the reasons therefor;

(d) whether Government have come across cases in which these guidelines have been voilated; and

(e) if so, the details thereof and the steps taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI BANDARU DATTATRAYA): (a) An extract of the guidelins issued by the Ministry of Urban Development on 14.1.1992, to prevent arbitrary use of powers to evict tenants from public premises is enclosed as Statement (*See* below).

(b) and (c) Yes, Sir.

(d) and (e) Certain representations have been received from some Tenants Associations in the past, alleging misuse of the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 in general by some Public Sector Undertakings/Financial Institutions. These representations have been forwarded to the concerned Ministries for redressal.

Statement

Extracts of Guidelines Dated 14.1.1992 Formulated to Prevent Arbitrary use of Power to Evict Tenants from Public Premises

(i) The provisions of the P.P. Act should be used primarily to evict totally illegal occupants of the premises of public authorities or unauthorised sublettees, or employees who have ceased to be in their service and thus ineligible for occupation of the premises. The proceedings should be initiated in accordance with the provisions of the Act only in cases where the occupation becomes unauthorised on genuine grounds of law.

(ii) The provisions of the Act should not be resorted to either with a commercial motive or to secure vacant possession of the premises in order to accommodate their own employees, where the premises were in occupation of the original tenants to whom the premises were let either by the public authorities or the persons from whom the premises were acquired.

(iii) A person in lawful occupation of any premises should not be treated or declared to be an unauthorised occupant merely on service of notice of termination of tenancy, nor should any contractual agreement be wound up by taking advantage of the provisions of the Act. At the same time, it will be open to the public authority to secure periodic revision of rent in terms of the provisions of the Rent Control Act in each State or to move under genuine grounds under the Rent Control Act for resuming possession. In other words, the public authorities would have rights similar to private landlords under the Rent Control Act in dealing with genuine legal tenants.

(iv) It is necessary to give no room for allegations that evictions were selectively resorted to for the purpose of securing an unwarranted increase in rent, or that a change in tenancy was permitted in order to avoid such imputations or abuses of discretionary powers. The release of premises or change of tenancy should be decided at the level of Board of Directors of the Public Undertakings.

(v) All the Public Undertakings should immediately review all pending cases before the Estate Officer or Courts with reference to these guidelines, and withdraw eviction proceedings against genuine tenants on grounds otherwise than as provided under these guidelines. The provisions under the P.P. Act should be used henceforth only in accordance with these guidelines.

Funds released under SJSRY to States

1610. SHRI SURESH KALMADI:
SHRIMATI AMBIKA SONI:

Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVIATION be pleased to state:

(a) the funds released by Government to the States under the Swarna Jayanti Shahari Rozgar Yojana for the years 2000-2001 and 2001-2002;

(b) whether there is any unspent balance reported by the States; and

(c) if so, the details thereof, State-wise?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI BANDARU DATTATRAYA): (a) Statement showing the release of funds to the States/UTs under Swarna Jayanti Shahari Rozgar Yojana (SJSRY) during the year 2000-2001 and 2001-2002 is placed at Statement I (*See* below).

(b) and (c) Yes, Sir. Statement showing State-wise details of unspent balances (including unspent balances from old Urban Poverty Alleviation Programmes and State share), as reported by the States/UTs is annexed at Statement-II.